

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-11336-2024

Date of decision : 15.05.2024

Harkesh

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Saurabh Bajaj, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed seeking issuance of a writ in the nature of certiorari for the quashment of the order dated 16.09.2021 (Annexure P-3) passed by Ld. Collector Pehowa on the application of the private respondent under Section 4 of the Punjab Restitution of Possession of Mortgage Land Act, 1938 on 29.10.2018. Further prayer has been made for quashment of order dated 29.08.2023 (Annexure P-5) vide which the appeal filed by the petitioner was dismissed by the Ld. Divisional Commissioner, Ambala Division without appreciating the true and material facts of the case and violating the statutory provisions under the Act, especially Section 2 of the Act, where it is apparent that only subsisting mortgages are applicable in the said Act, 1938 and also the order dated 04.04.2024 (Annexure P-6) vide which the revision filed by the present petitioner before the Ld. Financial Commissioner Haryana has been dismissed in violation of the law laid down by the Hon'ble Apex Court in judgment passed in Civil Appeal No.3673 of 1982 titled as '**Smt.**

Dilboo Vs. Smt. Dhan Raji' decided on 12.09.2000 (Annexure P-4) and

for restraining the private respondents from claiming any right on the basis of the impugned orders passed by the revenue authorities as being in violation of the statutory principle.

Learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to file afresh with better particulars.

Allowed to do so.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

(RAJESH BHARDWAJ)
JUDGE

15.05.2024
ps-I

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No